

B17-03157

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO

In Re:

Kevin W Lytle dba CL Contracting,  
LLC

Debtor

CASE NO. 17-13127

CHAPTER 13

JUDGE JEFFERY P. HOPKINS

(2562 Springdale Road, Cincinnati, OH  
45231)

**OBJECTION TO CONFIRMATION OF PLAN**

PNC Bank, National Association by and through its servicing agent, Select Portfolio Servicing, Inc. (hereafter "Creditor"), for its Objection to Debtor's Chapter 13 Plan states as follows:

1. Creditor holds a first mortgage on residential real estate owned by Debtors and occupied as a primary residence by the Debtors located at 2562 Springdale Road, Cincinnati, OH 45231;
2. Creditor anticipates filing a Proof of Claim on the mortgage claiming a total debt of \$149,045.63, arrearage of \$34,652.04, and a total post-petition payment of \$1,028.03;
3. Debtor's Plan appears feasible as filed, however, Debtor has filed three prior bankruptcies during the course of the foreclosure proceeding and subsequent set sheriff's sales for this property, both of which failed due to the failure of the Debtor to make payments to the Chapter 13 Trustee. (Ex. A, B, and C). Creditor obtained judgment on March 14, 2014 (Ex. D) and has been prevented from executing on that judgment by the successive chapter 13 bankruptcies filed on April 16, 2014, October 28, 2015, August 26, 2017 and the present one filed on August 13, 2018. A sheriff's sale set for May 22, 2014

was withdrawn due to bankruptcy filing. Sheriff's sales set for May 14, 2015 and August 20, 2015 were withdrawn by the Creditor for loan modification review which eventually failed. Sheriff's sale set for October 29, 2015 was withdrawn due to bankruptcy filing. Sheriff's sale set for August 31, 2017 was withdrawn due to bankruptcy filing. This bankruptcy proceeding caused a Sheriff's sale set for August 16, 2018 to be withdrawn.

4. Creditor believes that Debtor intends to continue to delay the foreclosure through the continued use of the bankruptcy courts. The evidence of this is that he has failed in both previous bankruptcies by failing to make payments to the Trustee.
5. Debtor has not provided sufficient information as to why this bankruptcy proceeding will succeed while the prior proceedings were dismissed for failure to make plan payments.

Wherefore, Creditor objects to the Confirmation of Debtor's Plan.

Respectfully submitted,  
Clunk, Hoose Co., LPA

/S/ LeAnn E. Covey

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Objection to Confirmation of Plan was served

(i) **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and

(ii) by **ordinary U.S. Mail** on September 24, 2018 addressed to:

Kevin W Lytle  
2562 Springdale Road  
Cincinnati, OH 45231

/S/ LeAnn E. Covey  
LeAnn E. Covey, Esquire